

AN ORDINANCE



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AN ORDINANCE TO AMEND SECTION 16-28.023 OF THE CITY OF ATLANTA ZONING CODE SO AS TO ALLOW THE TRANSFER OF DEVELOPMENT RIGHTS IN CERTAIN CIRCUMSTANCES WHEN PROPERTY ZONED AND DEVELOPED IN ACCORDANCE WITH R-1 THROUGH R-5 STANDARDS ALSO CONTAIN A PORTION ZONED RG; AND FOR OTHER PURPOSES

WHEREAS, there are areas of the City in which property that has been zoned and developed in accordance with the R-1 through R-5 zoning classification that contain a portion that is zoned to the RG classification which is adjacent to other property zoned to the RG classification;

WHEREAS, in such circumstances it is in the best interest of the health and welfare of the citizens of the City of Atlanta to allow the owners of these properties to transfer their development density to the adjacent property which is also zoned to the RG classification;

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

**Section 1.** That Section 16-28.023(1) of the City of Atlanta Zoning Code is amended by adding a new Section 16-28.023(1) to read as follows:

- (1) *Intent:* For the purposes of preserving buildings of historic-cultural significance and to permit the transfer of density for non-historic property zoned and developed in accordance with the R-1 through R-5 zoning classification that contain a portion that is zoned to the RG classification which is adjacent to other property zoned to the RG classification.

Upon the joint application of parties in interest proposing the transfer of excess development rights of an historic structure, the council may permit any development of such lots if in close proximity of each other. Such development shall not alter the effect of regulations applicable in the district as a whole but may alter the effect on individual lots within the area of agreement.

Upon the joint application of parties in interest proposing the transfer of excess development rights of property zoned and developed with the R-1 through R-5 zoning classification that also contain a portion which is zoned RG and the RG portion of that lot is adjacent to other property zoned RG, development density for the RG portion of said lot may be transferred upon the agreement of the landowners of both parcels and the city in accordance with the procedures of this section.

**Section 2.** That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.